

**IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,
IN AND FOR VOLUSIA COUNTY, FLORIDA**

VSO Case Number 22-10976

IN RE: PETITION FOR RISK PROTECTION ORDER
AGAINST *{Name of Respondent}* _____

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* DEPUTY CALEB JONES, in my position as *{job title}* DEPUTY with the *{name of law enforcement officer/agency}* VOLUSIA SHERIFF'S OFFICE, swear and affirm that the following facts are true and correct.

1. *{Name of Respondent}* _____ poses a significant danger of causing personal injury to himself/herself or others by having a firearm or any ammunition in his/her custody or control or by purchasing, possessing or receiving a firearm or any ammunition. The following specific statements, actions, or facts give rise to a reasonable fear of significant dangerous acts by the respondent:

SEE NARRATIVE

3 Additional pages are attached.

2. *{Name of Witness}* _____ provided the following information based on his/her personal knowledge:

SEE NARRATIVE

3 Additional pages are attached.

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BWC RECORDING

VICTIM INVOKED MARSY'S LAW

On 06/05/2022 at approximately 2322 hours, Deputy Jones responded to [REDACTED] in reference to a disturbance where a female had pointed a hand gun at a male. Upon arrival, Deputy Jones observed a female, later identified as [REDACTED] (D1) walking out of the garage carrying a hand bag and other items. Based upon the information involving the firearm, Deputy Jones displayed his department issued firearm but did not directly point it at [REDACTED] and instructed her to set her belongings down. [REDACTED] complied with Deputy Jones orders and walked over away from her shoulder bag. While waiting for other deputies to arrive, Deputy Jones read [REDACTED] her Constitutional Rights form a department issued Miranda Card which [REDACTED] initially stated she did not wish to speak to Deputy Jones.

Upon additional deputies arriving, Deputy Jones made contact with [REDACTED] who advised the following:

[REDACTED] and [REDACTED] were driving home when an argument ensued due to ongoing relationship issues. During the drive, [REDACTED] struck [REDACTED] several times before they eventually arrived home. Upon arriving home, [REDACTED] left the residence but eventually returned where she went into [REDACTED] room and threw clothing at him. [REDACTED] threw the clothing back and got up from his bed to have [REDACTED] leave his room. It was at this time, [REDACTED] came physically close to [REDACTED] in an aggressive manner causing [REDACTED] to move her backwards. [REDACTED] backed away from [REDACTED] and grabbed a firearm from her shoulder bag at which time she pointed it directly at [REDACTED] face. [REDACTED] grabbed the firearm where a scuffle ensued. During the scuffle, [REDACTED] stated he grabbed [REDACTED] by the hair and pushed her face down while struggling to get the firearm. [REDACTED] was eventually able to take the gun from [REDACTED] where he made sure the firearm was unloaded by racking the slide and was unsure if a bullet was ejected from the gun. [REDACTED] set the gun on the counter and began walking outside however prior to exiting the residence, [REDACTED] picked-up the firearm and threw it at [REDACTED] where it struck a wall. [REDACTED] left the residence and contacted law enforcement.

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_____ specifically stated the firearm did not have a magazine in the gun and was unsure of where it could be. _____ declined to write a sworn written statement but did swear to a verbal statement in which he stated he did not wish to pursue charges and was provided a copy of Marsy's Law as well as a Victim right's Pamphlet.

Deputies checked _____ for injuries but were met with negative results. Deputies observed two small marks on a wall, along with fresh spackle, in the residence which appeared to have been caused by something being thrown at the wall.

It should be noted _____ and _____ were previously in a romantic relationship for a year where they lived together and still currently reside together despite the two no longer being in a relationship.

Due to _____ not wishing to speak with deputies and the above information given, _____ was placed in handcuffs after which she advised she wished to speak to law enforcement. Deputy Jones once again read _____ her Constitutional Rights from a department issued Miranda Card which she advised she understood and was willing to speak with Deputy Jones. _____ advised the following:

_____ and _____ arrived at the residence after the party and had been in an argument during the ride to home. Upon arriving at the residence, _____ left but then returned where the argument continued. _____ entered into _____ room and took the covers off of him while he was in bed at which time he threw a shirt at her. _____ threw the shirt back causing _____ to get up and come at her in an aggressive manner. _____ proceeded to push her down to the floor and grabbed her hair, yanking it twice. Deputy Jones did not observe any injuries to _____ person.

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_____ initially stated the firearm was in her bag during the incident, however upon being confronted with _____ having stated there was no magazine in the gun, she stated _____ took the gun out of her bag and removed the magazine from the gun. _____ continued to claim at no time did she point the gun at _____ or throw it at him.

_____ consented to Deputy Jones going into her shoulder bag at which time he located a 9mm Glock pistol with no magazine inserted. The gun was placed into evidence. Digital Photographs were taken of the wall and uploaded to Digital Crime Scene.

There were no independent witness to the incident.

Based upon the statements made by _____ and the inconsistent statements made by _____ coupled with the evidence seen, Deputy Jones determined there to be probable cause to charge _____ with Aggravated Assault Without Intent to Kill.

_____ was transported to VCBJ without incident.

3. Affiant is is not aware of any existing protection order governing the respondent under any applicable statute.

0 Known protection orders are attached

4. The quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody or control are as follows:

Quantity	<u>1</u>	Type	<u>GLOCK 26</u>	Location	<u>[REDACTED]</u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>

 Additional pages are attached.

AFFIANT HEREBY CERTIFIES UNDER PENALTY OF PERJURY THAT THE STATEMENTS AND FACTS IN THIS AFFIDAVIT AND IN ANY ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

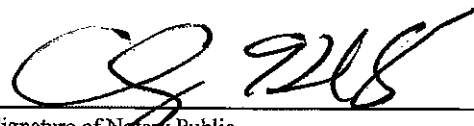
Dated: 06/05/2022 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 5TH day of June, 2022, by DEPUTY CALEB JONES
Affiant's name


Signature of Attesting LEO Witness

 7037
Print name of Attesting LEO Witness

OR


Signature of Notary Public

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known or Produced Identification

(Type of Identification Produced)